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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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NOVACON, LLC.)
Petition for emergency and expedited)
relief protecting from disclosure in its)
entirety for a period of not less than)
five years, Petitioner's 2002 Annual)
Report)

CHIEF CLERK'S OFFICE

Docket No. 03-0116

**PETITION FOR EMERGENCY AND EXPEDITED RELIEF FOR PROTECTION FROM
DISCLOSURE OF 2002 ANNUAL REPORT**

NOW comes Novacon LLC., ("Novacon"), and pursuant to 220 ILCS 5-109 and 5 ILCS 140/7, requests that the Commission enter an order directing that the Petitioner's 2002 Annual Report be afforded proprietary treatment and be determined to be exempt from public disclosure for a period of five years. In support of this petition, Petitioner states as follows:

1. Pursuant to Certificates of Service Authority issued to Novacon in Docket No. 99-0672, Petitioner provides various local exchange and interexchange services in areas of MSA-1 served by SBC Illinois.
2. Petitioner is thus a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act, providing competitive exchange and interexchange telecommunications service as defined in section 13-209 of the Act.
3. As a telecommunication carrier within the meaning of the Public Utilities Act, Petitioner is obligated to provide the Commission with an annual report. The

nature of the required annual report is set forth in Section 5-109 of the Act.

4. Section 5-109 provides, in part, the following:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission.

5. Petitioner believes that its 2002 annual report contains information that, if released to the public, could cause it to suffer competitive harm. That information includes sensitive commercial information, financial data and trade secrets such as investments, expenses, and revenues.
6. Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) allows the Commission to exempt from disclosure the following:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm.
7. The information contained in Petitioner's 2002 Annual Report falls within the exception set forth in Section 7(g) of the Illinois Freedom of Information Act.
8. In prior proceedings involving proprietary treatment of competitive telecommunications carriers annual reports, this Commission has exempted petitioning carriers' annual reports from public disclosure for a period of five (5) years, and directed that the reports be accessible only by the Commission and the Commission Staff during that period. Petitioner request the same relief that has been granted to those other competitive carriers.

WHEREFORE, Novacon respectfully requests that the Commission enter an order finding that its 2002 Annual Report filed pursuant to Section 5-109 of the Public Utilities Act should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act for a period of five (5) years from the date of its order in this proceeding.

Dated: February 20, 2003

Respectfully submitted,

Novacon LLC

By: 

Thomas H. Rowland

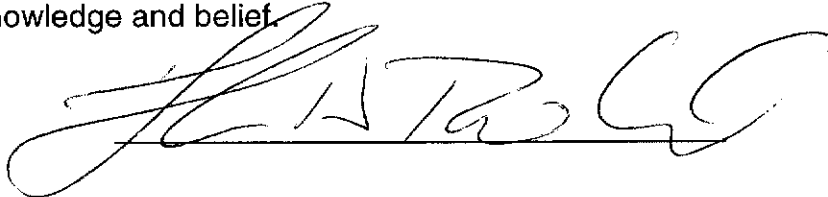
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Its Attorneys

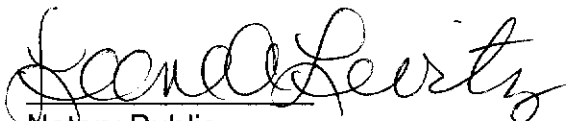
COUNTY OF COOK)
) SS.
STATE OF ILLINOIS)

VERIFICATION

I, Thomas H. Rowland, attorney for Novacon LLC., being first duly sworn, verify that the statements contained in the foregoing application are true and correct to the best of my information, knowledge and belief.



Subscribed and sworn to
before me this 20th day
of February, 2003.


Notary Public